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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,705	09/15/2000	ERNEST YIU CHEONG WAN	169.1826	1732
5514	7590	06/03/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			COLLINS, SCOTT M	
			ART UNIT	PAPER NUMBER
			2145	

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/662,705	WAN, ERNEST YIU CHEONG	
	Examiner	Art Unit	
	Scott M. Collins	2145	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 November 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,4-10,13-17 and 20-23 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,4-10,13-17 and 20-23 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/12/04
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

1. Claims 1, 4-10, 13-17, 20-23 examined.
2. It is hereby acknowledged that the following papers have been received and placed of record in the file: Information Disclosure Statements and Amendment on 11/12/2004.
3. All objections to the specification and claims are hereby withdrawn in light of applicant's amendments.

Response to Arguments

4. Applicant's arguments filed 11/12/2004 have been fully considered but they are not persuasive. Applicant argues against the references individually and in response to these arguments, the examiner notes that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The combinations are sound as the Opher reference teaches the limitations of the independent claims besides the context of Audio/Video data and the Huckins reference teaches the transmission of Audio/Video data. Opher has the ability to deliver any type of data and Huckins transmission of Audio/Video data can be performed utilizing the specifics of Opher.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2145

6. Claims 1, 5, 10, 14, 17, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Opher et al., U.S. Patent Number 5,408,469 (herein referred to as Opher) in view of Huckins, U.S. Patent Number 5,890,162 (herein referred to as Huckins).

7. Referring to claims 1, 10, and 17, Opher has taught the method (or apparatus or method implemented by code on a computer readable medium) for forming and address for locating an electronically accessible fragment of a resource, to an arbitrary level of resolution, said resource being a member of a class of resources, wherein a logical model is associated with members of the class of resources (Opher column 15, lines 1-17); said method comprising steps of:

- a. determining a URI network address for the resource (Opher column 15, lines 16-21 where the Universal Resource Identifier (URI) is contained in Header 101.);
- b. applying the logical model to the resource to form a hierarchical representation of the resource including a representation of the fragment (Opher figure 1a; and column 15, lines 16-30);
- c. determining a fragment identifier for the fragment dependent upon the representation of the fragment (Opher column 15, lines 16-30 where the fragment identifier is contained in header 101.) by applying an addressing scheme to the fragment representation, said scheme including at least one of a time axis, a time function, a region axis, or a region function for addressing temporal and spatial fragments of the AV resource (Opher column 6, lines 5-10 where a time function is performed); and
- d. combining the URI network address and the fragment identifier to form a URI reference, being an address for the fragment (Opher column 15, lines 16-21; and column 15, line 53 – column 16, line 8).

8. Opher has not disclosed any AV (audio/visual) nature to the fragments or network resources. Huckins has disclosed a system that transmits AV data across a network (Huckins abstract; and column 3, lines 11-22). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to also use Opher's system to transmit AV data. One of ordinary skill in the art would have been motivated to do this because AV data is only one of a multitude of data types a user might be compelled to want to transmit. Furthermore, as end user bandwidth has increased exponentially in the past decade (specifically, broadband), the Internet has increasingly become media-centric such that streaming and transmission of music, radio, and video has become more and more prevalent. Thus, any attempt to streamline or expedite AV data transmission would have been motivated as beneficial to the Internet community as a whole.

9. Referring to claims 5, 14, and 21, Huckins has taught the method (or apparatus or method implemented by code on a computer readable medium) wherein the type of the AV resource includes at least one of (i) digital video, (ii) analog video, (1) compact disc audio, (iv) analog audio, or (v) digital video disc (Huckins abstract; and column 3, lines 11-22 and 56-62).

10. Claims 4, 6-9, 13, 15-16, 20, and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Opher et al., U.S. Patent Number 5,408,469 (herein referred to as Opher) in view of Huckins, U.S. Patent Number 5,890,162 (herein referred to as Huckins) and further in view of Moshfeghi, U.S. Patent Number 6,476,833 (herein referred to as Moshfeghi).

11. Referring to claims 4, 13, and 20, neither Opher nor Huckins has disclosed utilizing XML, XPaths, XPointers, or the like in conjunction with the fragment identifier addressing

scheme. Moshfeghi has taught the method (or apparatus or method implemented by code on a computer readable medium) wherein said addressing scheme is XPath based (Moshfeghi column 17, lines 1-14 where the XLink and XPointer system is used in conjunction with the generic fragment identifier). At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to utilize XML and its XPath, XLink, and XPointer functions to assist in fragment identification and addressing. One of ordinary skill in the art would have been motivated to do this because XML is more universal way of representing addresses (Moshfeghi column 2, lines 6-9; and column 17, lines 1-14).

12. Claims 6, 9, 15, 16, 22 and 23 do not recite limitations above the claimed invention set forth in the combination of claims 1 and 4 and are therefore rejected for the same reasons set forth in the rejection of claims 1 and 4 above. It should be noted that the locating action of claims 6, 16, and 23 is simply the identical reverse action of the addressing action in the other claims.

13. Referring to claim 7, Opher has taught the method wherein the identifying step comprises identifying (i) a type of the resource, and (ii) the logical model, dependent upon the root of the fragment identifier (Opher figure 1a; and column 15, lines 16-30; and column 15, line 53 – column 16, line 8 where the information about the resource and model being followed is found in the header and where the root of the fragment identifier simply refers to a portion of the address and is indicated in the header.).

14. Claim 8 does not recite limitations above the claimed invention set forth in claim 5 and are therefore rejected for the same reasons set forth in the rejection of claims 5 above.

Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott M. Collins whose telephone number is 571.272.3934. The examiner can normally be reached on Mon.-Fri. 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Valencia Martin-Wallace can be reached on 571.272.6159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smc
May 26, 2005

Valencia Wallace
VALENCIA MARTIN-WALLACE
SUPERVISORY PATENT EXAMINER